



Exempt Action Final Regulation Agency Background Document

Agency name	Board of Optometry, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC105-20-10 et seq.
Regulation title	Regulations Governing the Practice of Optometry
Action title	Amended treatment guidelines and formulary for therapeutic pharmaceutical agents added to Chapter 20
Final agency action date	12/7/04
Document preparation date	12/7/04

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Board of Optometry is amending Chapter 20 under an exemption from the Administrative Process Act and under a process specified in § 54.1-3223 of the Code of Virginia. In the promulgation of a regulatory action to amend the treatment guidelines for the use of therapeutic pharmaceutical agents (TPA) and the formulary of drugs that can be used by TPA certified optometrists, the Board is required to receive a recommendation from a TPA Formulary Committee (which includes optometrists, ophthalmologists, and a pharmacist), notify all TPA-certified optometrists and other interested parties, and send notice to the Registrar. Proposed regulations were published in the *Register of Regulations* on September 20, 2004 and a public hearing held on the proposal on October 6, 2004.

At its meeting on October 6th, the Board made a significant number of changes to the proposal and therefore decided to republish to allow an additional 30 days of public comment from

November 1, 2004 to December 1, 2004. Only one comment was received; the Virginia Optometric Association wrote to support the proposed amendments.

Changes made since the proposed regulations were published and distributed include the following:

In subsection A of the treatment guidelines (section 46), the listing of specific structures of the human eye is deleted and only the adnexa is defined as conjoined, subordinate or immediately associated anatomic parts of the human eye, including eyelids and eyebrows. Instead of use of the word “appropriately”, the term “medically appropriate” is added before the phrase “pharmaceutical agents.” The Board determined that the current listing of structures was not inclusive and was unnecessary. To clarify the extent of the adnexa that is appropriate for treatment by an optometrist, a definition was added.

In subsection B of the section 46, there is a new definition of angle closure glaucoma as a closed angle in the involved eye with significantly increased intraocular pressure, and corneal microcystic edema. The purpose of the definition is to distinguish angle closure glaucoma from narrow angle glaucoma, which an optometrist can treat without restriction. The word “acute” before angle closure glaucoma is also deleted.

In the formulary of TPA drugs (section 47), the Board has added the term “medically appropriate” before “therapeutic pharmaceutical agents” for consistency with section 46.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On December 7, 2004, the Board of Optometry amended 18VAC105-20-10 et seq., Regulations Governing the Practice of Optometry, under an exemption from the Administrative Process Act and as specified in § 54.1-3223 of the Code of Virginia.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There is no impact of this regulatory action on the institution of the family and family stability.